AN ACT TO ENACT THE CLEAN INDOOR AIR ACT OF 1990 AND TO PROVIDE PENALITIES FOR VIOLATIONS

Whereas, it is desirable to accommodate the needs of nonsmokers to be free from exposure to tobacco smoke while in public indoor places; and

Whereas, the Clean Indoor Air Act is an appropriate action to achieve this important objective. **Now, therefore,**

Be it enacted by the General Assembly of the State of South Carolina:

Citation

SECTION 1. This act may be cited as the Clean Indoor Air Act of 1990.

Areas where smoking prohibited, exceptions

SECTION 2. It is unlawful for any person to smoke, or possess lighted smoking material in any form in the following public indoor areas except where a smoking area is designated as provided for herein:

(1) Public schools, including pre-schools and day care centers, except in enclosed private offices and teacher lounges.

(2) Health care facilities as defined in Section 44-7-130 of the Code of Laws of South Carolina, 1976, except where smoking areas are designated in employee break areas. No section of this act shall prohibit or preclude a health care facility from being smoke free.

(3) Government buildings (except health care facilities as provided for herein), except that smoking shall be allowed in enclosed private offices and designated areas of employee break area; provided that smoking policies in the State Capitol and Legislative Office Buildings shall be determined by the office of government having control over that area of the buildings.

"Government buildings" shall mean buildings or portions thereof which are leased or operated under the control of the State or any of its political subdivisions, except those buildings or portions thereof which are leased to other organizations or corporations.

(4) Elevators

(5) Public transportation vehicles, except for taxicabs.

(6) Arenas and auditoriums of public theatres or public performing art centers; except that smoking areas may be designated in foyers, lobbies, or other common areas; and smoking is permitted as part of a legitimate theatrical performance.

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Designation signs

SECTION 3. In areas where smoking is permitted in Section 2 of this act, the owner, manager, or agent in charge of the premises or vehicle referenced in Section 2 shall conspicuously display signs designating smoking and nonsmoking areas alike, except that signs are not required in private offices.

Reasonable effort required

SECTION 4. In complying with Section 3, the owner, manager, or agent in charge of the premises shall make every reasonable effort to prevent designated smoking areas from impinging upon designated smoke-free areas by the use of existing physical barriers and ventilation systems.

Penalty

SECTION 5. A person who violates Section 2, 3, or 4 of this act is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars nor more than twenty-five dollars.

Testing not required

SECTION 6. No person in this State is authorized to require any other person to submit to any form of testing to determine whether or not the person has nicotine or other tobacco residue in his body.

Time effective

SECTION 7. This act takes effect on the first day of the third month following approval by the Governor.

In the Senate House the 24th day of May In the Year of Our Lord One Thousand Nine Hundred Ninety.

Nick A. Theodore
President of the Senate

Robert J. Sheheen
Speaker of the House of Representatives

Approved the 30th day of May, 1990.

Carroll A. Campbell, Jr.
Governor

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